

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

THIRD DAY'S PROCEEDINGS

**Thirty-Second Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, March 29, 2006

The Senate was called to order at 4:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Duplessis	McPherson
Adley	Dupre	Michot
Amedee	Ellington	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Quinn
Broome	Heitmeier	Romero
Cain	Hollis	Schedler
Chaisson	Jones	Theunissen
Cheek	Kostelka	Ullo
Cravins	Lentini	
Dardenne	Malone	
Total - 34		

ABSENT

Fields	Marionneaux	Smith
Jackson	Shepherd	
Total - 5		

The President of the Senate announced there were 34 Senators present and a quorum.

Prayer

The prayer was offered by Reverend Louis Husser, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Quinn, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

March 28, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 4—
BY SENATOR MICHOT AND REPRESENTATIVE ROBIDEAUX
A CONCURRENT RESOLUTION

To commend Amanda Harb of Lafayette, Louisiana for having been named a recipient of the 2006 Prudential Spirit of Community Award, as a top youth volunteer in Louisiana.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 5—
BY SENATOR MICHOT AND REPRESENTATIVE ROBIDEAUX
A CONCURRENT RESOLUTION

To commend Tara Doucet of Lafayette, Louisiana for having been named a recipient of the 2006 Prudential Spirit of Community Award, as a top youth volunteer in Louisiana.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATOR CHEEK AND REPRESENTATIVE WADDELL
A CONCURRENT RESOLUTION

To designate March 2006 as "Kidney Cancer Awareness Month."

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 12—
BY SENATORS ELLINGTON, ADLEY, AMEDEE, BOASSO, DUPRE, B. GAUTREAUX, HEITMEIER, KOSTELKA AND THEUNISSEN AND REPRESENTATIVES QUEZAIRES, BEARD, BURNS, DOWNS, ERDEY, FANNIN, GREENE, M. GUILLORY, KATZ, LAMBERT, M. POWELL, SMILEY AND ST. GERMAIN
A CONCURRENT RESOLUTION

To recognize and commend Anthony "Tony" Culp on the occasion of his retirement as the director of the aviation section at the Department of Transportation and Development.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

March 28, 2006

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 40—
BY REPRESENTATIVE HONEY
A CONCURRENT RESOLUTION

To commend the members of the Southern University women's basketball team and their coaches and staff for their outstanding achievements during the 2005-2006 season, which included the Southwestern Athletic Conference championship and their advancement to the National Collegiate Athletic Association tournament.

HOUSE CONCURRENT RESOLUTION NO. 41—
BY REPRESENTATIVE HONEY
A CONCURRENT RESOLUTION

To commend the members of the Southern University men's basketball team and their coaches and staff for their outstanding achievements during the 2005-2006 season, which included the Southwestern Athletic Conference championship and their advancement to the National Collegiate Athletic Association tournament.

March 29, 2006

HOUSE CONCURRENT RESOLUTION NO. 42—
BY REPRESENTATIVE GALLOT
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Dr. Charles A. Berry of Grambling.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Senator Bajoie in the Chair

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 40—
BY REPRESENTATIVE HONEY
A CONCURRENT RESOLUTION

To commend the members of the Southern University women's basketball team and their coaches and staff for their outstanding achievements during the 2005-2006 season, which included the Southwestern Athletic Conference championship and their advancement to the National Collegiate Athletic Association tournament.

The resolution was read by title. Senator Broome moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Duplessis Malone
Adley Dupre McPherson
Amedee Ellington Michot
Bajoie Fontenot Mount
Barham Gautreaux B Murray
Broome Gautreaux N Nevers
Cain Heitmeier Quinn
Chaisson Hollis Romero
Cheek Jones Theunissen
Cravins Kostelka
Dardenne Lentini
Total - 31

NAYS

Total - 0

ABSENT

Boasso Marionneaux Smith
Fields Schedler Ullo
Jackson Shepherd
Total - 8

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 41—
BY REPRESENTATIVE HONEY
A CONCURRENT RESOLUTION

To commend the members of the Southern University men's basketball team and their coaches and staff for their outstanding achievements during the 2005-2006 season, which included the Southwestern Athletic Conference championship and their advancement to the National Collegiate Athletic Association tournament.

The resolution was read by title. Senator Broome moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Duplessis Malone
Adley Dupre McPherson
Amedee Ellington Michot
Bajoie Fontenot Mount
Barham Gautreaux B Murray
Broome Gautreaux N Nevers
Cain Heitmeier Quinn
Chaisson Hollis Romero
Cheek Jones Theunissen
Cravins Kostelka
Dardenne Lentini
Total - 31

NAYS

Total - 0

ABSENT

Boasso Marionneaux Smith
Fields Schedler Ullo
Jackson Shepherd
Total - 8

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 42—
BY REPRESENTATIVE GALLOT
A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Dr. Charles A. Berry of Grambling.

The resolution was read by title. Senator Kostelka moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Duplessis Malone
Adley Dupre McPherson
Amedee Ellington Michot
Bajoie Fontenot Mount
Barham Gautreaux B Murray
Broome Gautreaux N Nevers
Cain Heitmeier Quinn
Chaisson Hollis Romero
Cheek Jones Theunissen
Cravins Kostelka
Dardenne Lentini
Total - 31

NAYS

Total - 0

ABSENT

Boasso Marionneaux Smith
Fields Schedler Ullo
Jackson Shepherd
Total - 8

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON**COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS**

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection, and International Affairs, submitted the following report:

March 29, 2006

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection, and International Affairs to submit the following report:

SENATE BILL NO. 343—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:121.2, relative to the office of financial institutions; to provide for the powers and duties of the office of financial institutions; to authorize the commissioner of financial institutions to obtain certain state and federal criminal history records under certain circumstances; to provide for the collection of certain fees; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 344—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 6:103(B)(11), (12), (13), (14), and (15), relative to the office of financial institutions; to authorize the commissioner of financial institutions to disclose certain information; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 357—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 40:1730.23, relative to the state uniform construction code; to provide for the enforcement of the state uniform construction code by local government; to provide for the responsibilities of local government; to provide for the liability of local government regarding the enforcement of building codes; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 372—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 6:121.7, relative to the office of financial institutions; to authorize the commissioner of the office of financial institutions to impose certain fees; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 384—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 9:3534.5, relative to the Louisiana Consumer Credit Law; to provide for the assignment of certain debts; to provide for collection of debts owed to a credit grantor; to provide procedures for such collections; to provide for the validity of the debt owed; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 551—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 51:710(A) and to enact R.S. 51:710.1, relative to securities; to provide for the powers and authority of the commissioner of securities; to provide additional powers for the commissioner during a declared state of emergency; to authorize the assessment of certain fees; to authorize the commissioner to assess certain civil penalties; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 552—
BY SENATOR MICHOT

AN ACT

To enact R.S. 51:702(21), (22), and (23), relative to securities; to define certain terms for purposes of the Louisiana Securities Law; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 554—
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 8:1(8), (9), (20), and (35), and 76(A), and 659(A)(1); relative to cemeteries; to provide for the sale and transfer of cemetery authority; to provide for cemetery activities by a limited liability company; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 578—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 51:703(D), relative to investment advisers; to provide for the registration of investment advisers; to provide requirements for registration; to require written examination; to provide exceptions from such written examination; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 584—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 51:703(G), 705(D)(2), 706(A) and the introductory paragraph of 706(D), 708(3), 709(15), and 724, relative to securities; to provide for technical changes to the Louisiana Securities Law; to provide for the transmittal of certain registration fees; to exempt certain securities; to clarify the payment of any fees and charges collected by the commissioner; and to provide for related matters.

Reported favorably.

Respectfully submitted,
KEN HOLLIS
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 57—
BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 30:2011(A)(1) and 2052 and to repeal R.S. 30:2011(A)(2), 2053(5), and 2054(B)(7), relative to environmental quality; to remove the jurisdiction of Department

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of Environmental Quality relative to the regulation of noise pollution; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. On motion of Senator Fontenot, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 128—
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 15:574.20(A)(1), relative to parole; to provide with respect to the medical parole program; to allow those inmates with contagious diseases to be eligible for medical parole consideration; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 133—
BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 15:550(C)(2)(c), relative to sexual offenders; to require sex offenders to pay the cost of electronic monitoring; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 133 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 2, after "550" insert "(A), (B)(1), and" and after "require" insert "the Department of Public Safety and Corrections to require by rule that participants in a pilot program for"

AMENDMENT NO. 2

On page 1, line 3, after "offenders" delete "to" and after "monitoring;" insert "to provide for certain limitations;"

AMENDMENT NO. 3

On page 1, line 5, after "550" insert "(A), (B)(1), and" and change "is" to "are"

AMENDMENT NO. 4

On page 1, between lines 7 and 8, insert the following:

"A. The Department of Public Safety and Corrections shall implement a pilot program using a location tracking and crime correlation based electronic monitoring supervision program for the sex offenders ~~and violent offenders~~ specified in Paragraph B(1) of this Section.

B. An offender may be eligible for participation in the pilot program under the following conditions:

(1) The defendant has been convicted of a sex offense as defined in R.S. 15:541, ~~a crime of violence as defined in R.S. 14:2~~, or domestic abuse battery as defined in R.S. 14:35.3."

AMENDMENT NO. 5

On page 1, between lines 9 and 10, insert the following:

"(2) Such rules and regulations shall include but not be limited to the following:"

AMENDMENT NO. 6

On page 1, line 11, change "may" to "~~may~~ shall"

AMENDMENT NO. 7

On page 1, line 14, after "~~and~~" insert "a reasonable fee to cover" and after "monitoring;" insert "In determining a reasonable supervision fee and a reasonable fee to cover the cost of electronic monitoring, the department shall consider the indigency of the participant."

On motion of Senator Marionneaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 216—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 40:1379.1(F), (G), (H), (I), (J), (K), (L), and (M) and to enact R.S. 40:1379.1(N), relative to powers and duties of the superintendent of the state police; to provide for issuance of special officer commission to commissioned law enforcement officer responding pursuant to a request for assistance under the Southern Regional Homeland Security and Emergency Preparedness Management Assistance Compact, during a declared state of emergency or disaster; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 226—
BY SENATOR N. GAUTREAUX

AN ACT

To repeal R.S. 13:2583(D), relative to constables; to remove the mandatory age requirement at which constables must retire; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 292—

BY SENATORS FONTENOT, HINES, MOUNT, BAJOEI, NEVERS AND CHEEK AND REPRESENTATIVES SALTER, DORSEY, ALARIO, DEWITT, HAMMETT, JEFFERSON, RICHMOND AND RITCHIE

AN ACT

To enact R.S. 30:2014.5, relative to environmental quality, to authorize the secretary of the Department of Environmental Quality to develop and implement an expedited permitting processing program; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 292 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 4, after "program;" insert "to provide for legislative approval of rules; to provide for notice of expedited permit;"

AMENDMENT NO. 2

On page 1, at the end of line 10, delete the period "." and delete lines 11 through 13 and insert the following:

"and the secretary shall adopt rules in accordance with Administrative Procedure Act which shall include a notice that indicates such permit is an expedited permit. Notwithstanding the provisions of this Section, such rules shall be approved by the Senate Committee on Environmental Quality and the House Committee on the Environment prior to the implementation of such rules.

Section 2. This Act shall become effective if and when House Bill 870 of the 2006 Regular Session of the Legislature of Louisiana is enacted and becomes effective."

On motion of Senator Fontenot, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 409—
BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 30:2411(B)(1) and (2) and 2415(A), (C), (D), (E), and (G), relative to environmental quality; to require a reduction of the amount of solid waste being disposed of; to require the development of solid waste and recycling as a management procedure at all solid waste facilities; to provide for the development of the state's recycling industry; to require the secretary of the Department of Environmental Quality to develop a statewide solid waste management plan that includes recycling; to require the division of administration to develop and implement rules promoting the use and purchase of goods with recycled content by all state agencies; to provide relative to the Department of Transportation and Development usage of recycled materials in highway construction and maintenance; to provide relative to state procurement of recycled paper products; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. On motion of Senator Fontenot, the bill was read by title, ordered engrossed, and passed to a third reading.

Rules Suspended

Senator Hollis asked for and obtained a suspension of the rules for the purpose of recalling Senate Bill No. 374 from the Committee on Commerce, Consumer Protection, and International Affairs.

SENATE BILL NO. 374—
BY SENATOR HOLLIS

AN ACT

To enact Part XVIII of Chapter 2 of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:3576.1 through 3576.23, relative to debt collection businesses and practices; to provide for the licensing, bonding, and regulation of both debt collection businesses operating in Louisiana and out-of-state collection agencies engaged in collecting consumer and commercial debts owed by persons and entities located in Louisiana; to provide relative to violations and civil and criminal penalties; to provide for the assessment of fees; and to provide for related matters.

On motion of Senator Hollis, the bill was read by title and withdrawn from the files of the Senate.

Motion to Recommit

Senator Ellington asked for and obtained a suspension of the rules and recommitted Senate Bill No. 395 from the Committee on Local and Municipal Affairs to the Committee on Commerce, Consumer Protection, and International Affairs.

Motion to Recommit

Senator Ellington asked for and obtained a suspension of the rules and recommitted Senate Bill No. 585 from the Committee on Senate and Governmental Affairs to the Committee on Commerce, Consumer Protection, and International Affairs.

Rules Suspended

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Introduction of Senate Bills and Joint Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 633—
BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 33:1981(C)(1) and 2201(C)(1), relative to financial security of survivors of firemen and law enforcement officers; to provide for payments to surviving spouses; to provide for effectiveness; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

SENATE BILL NO. 634—
BY SENATOR CRAVINS

AN ACT

To enact R.S. 40:401.11, relative to municipal and parish housing authorities; to provide for membership and representation on the board; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

Mr. President in the Chair

Rules Suspended

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Introduction of Senate Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 14—
BY SENATOR JONES

A CONCURRENT RESOLUTION

To direct state agencies to provide to the division of archives, records management, and history of the Department of State all locations where their public records are stored and to direct such division to work in cooperation with the Louisiana Geographical Information Center to develop mapping relative to such locations.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

Leaves of Absence

The following leaves of absence were asked for and granted:

Fields	1 Day	Jackson	1 Day
Marionneaux	1 Day	Shepherd	1 Day
Smith	1 Day		

Adjournment

Senator Bajoie moved that the Senate adjourn until Thursday, March 30, 2006, at 10:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 10:00 o'clock A.M. on Thursday, March 30, 2006.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk

